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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,397	02/27/2004	Edward S. Miller	LVOX.008A	4927
20995 7590 08/21/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER ABEBE, DANIEL DEMELASH	
			ART UNIT 2626	PAPER NUMBER
			NOTIFICATION DATE 08/21/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

## Office Action Summary

Application No.

10/789,397

Applicant(s)

MILLER ET AL.

Examiner

Daniel D. Abebe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 7-12 is/are rejected.
- 7) ☒ Claim(s) 2 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, and 7-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Mark et al. (20050091057).

As to claim 1, Mark teaches a method of designing a multi module call flow in a voice application, comprising the steps of:

Designing a multiple question dialogue module, including yes or no or other events where the user answer is limited with in expected parameter;

Designing a natural language based dialogue module; and

An over view module, directed to providing general information to the user (par.140-146). More specifically a design phase of the dialogue module includes

“ the utilization of a plurality of generic software components in order to develop a specific voice application. Such generic software components comprise a design methodology platform 2 (FIG. 4). More specifically, the design phase 1102 of the voice application design methodology includes utilization of various components of the platform 2. The design phase 1102 of the methodology includes a dialog design phase

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1202, a voice coding phase 1204, a personalization phase 1206, a custom prompt development phase 1208, a custom grammar development phase 1210, a standard prompt phase 1212, a standard grammar phase 1214, a system test phase 1216 (Par.0049).

As to claim 4, Mark teaches where the dialogue module has plurality of compartments including generic components that are available for the voice application developer's use during the standard prompts and standard grammar and personalized dialogue layer comprising specific voice application for providing user defined personalized dialogue interface (abstract; par.140-146; par.0054).

As to claim 5, Mark teaches where the user defined module comprises a standard message layer for the caller (Fig.5; par.0014).

As to claim 7, Mark teaches an event tracking module for logging events throughout the call and the dialog (Par.0128).

As to claim 8, the dialogue module disclosed by Mark provides information to user's request and as to claims 9-10, Mark teaches where the dialogue system executes the command upon recognition. According to Max, "The dialog controller 526 also performs request routing. The dialog controller 526 receives requests from the voice gateway 4 for application and component resources. Each request is then translated into an action, which is then executed. Determination of the action to be executed is based on the configuration file 530. The configuration file 530 maps inbound URI information to a specific class for processing. In at least one embodiment, the specific class is a Java action class. When the dialog controller 526 receives the

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request it may also receive request parameters. If request parameters are received, the dialog controller 526 forwards them to the appropriate action class. In at least one embodiment, the dialog controller 526 maps the request parameters into a Java container class, which is then routed with the request to the appropriate action class.(Par.0067).

As to claim 11Mark explains the multiple execution compartment, including error

"The Personalized Dialogs service layer 5 is a group of one or more software components that allow a voice applications developer to incorporate natural language concepts into his product in order to present a more human-like and conversational specific voice user interface. The software components of the Personalized Dialogs service layer 5 implement rules for presenting voice information to a user in order to emulate human dialog. Each of the software components may include various constituents necessary for dialog emulation, such as voice XML scripts, .WAV files and audio files that make up the dialog presented to the user, recognition grammars that are loaded into speech recognition components, and software code for manipulating the constituents as needed. For example, the Personalized Dialogs service layer 5 includes an error-trapping component 17. The error trapping component 17 is software logic that provides that prompts are not repeated when an error occurs with user voice input. The error trapping component 17 includes code that might provide, upon an error condition, a prompt to the user that says, "I didn't quite get that." If the error condition is not corrected, instead of repeating the prompt, the error trapping component might then provide a prompt to the user that says, "Could you please repeat your selection?" If the

error condition is still not corrected, the error trapping component 17 might then provide a prompt that says, "Well, I'm really not understanding you." By providing a series of distinct error-handling prompts rather than repeating the same prompt, a more conversational dialog is carried on with the user than is provided by other voice interface systems. (0141).

Claim 12 is analogous to claim 1 and 4 and is rejected by Mark for the foregoing reasons.

***Allowable Subject Matter***

Claims 2 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the claims are allowable, because Mark doesn't teach where the dialogue comprises a primary and secondary concept without requiring a structured response.

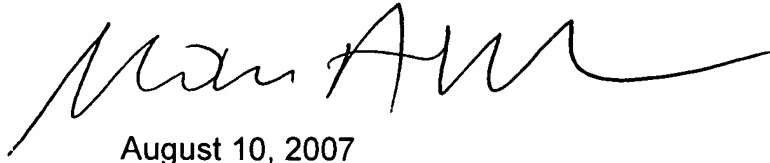
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D. Abebe whose telephone number is 571-272-7615. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel Abebe Primary Examiner A.U. 2626

A handwritten signature in black ink, appearing to read 'Dan Abebe', with a long horizontal flourish extending to the right.

August 10, 2007